

# FINAL REPORT

Netherlands Provincial and Water Board Elections  
20th March 2019



Democracy Volunteers

16<sup>th</sup> May 2019



# **Netherlands Provincial Elections and Water Board Elections**

## **20<sup>th</sup> March 2019**

### **Final Report on Election Observation**

#### **Mission Objectives**

1. To objectively observe the electoral process in The Netherlands.
2. To advise the local councils and national electoral bodies on the results of the observation for the improvement of electoral practice within The Netherlands.
3. Support local bodies and national election authorities with constructive feedback on areas of concern so that they may consider remedial action.

#### **Methodology**

The mission deployed 6 observers in three teams of two. These were registered with The Netherlands's Ministry of the Interior and Kingdom Relations. These six observers were accredited to observe across The Netherlands. They made 62 separate observations across eight municipalities. This allowed the observer team to also assess four separate Provinces; North Holland, South Holland, Utrecht and Gelderland. The municipalities and the number of observations were:

- Amsterdam: 14
- Arnhem: 6
- Delft: 2
- Leiden: 8
- Nijmegen: 6
- Rotterdam: 10
- The Hague: 5
- Utrecht: 11

All observers received a written and verbal briefing in advance of the deployment. Each observation was conducted in pairs to allow for objective observation and the observers then agreed their opinions of the electoral process before submitting data. The observations generally took between thirty and forty-five minutes per polling station, with the observers asked to ensure that they saw the entire process, which included staff greeting electors on arrival at the polling station. This happened on every occasion.

The organisation of polling stations was extremely well run across the area of observation. Voters could clearly see how to access voting and staff were trained to manage the process. Polls were generally open from 7.30am to 9pm. The teams were asked to observe an opening as well as a closing of a polling station and tour polling stations throughout the day.

Counting began almost immediately, based in the polling stations, before results were transmitted to the central count for checking. The team also attended three of the central counting pilots on the Thursday morning, in The Hague, Rotterdam and Zoetermeer.

Our observer team and electoral experts met with a number of professional and political interlocutors whilst in The Netherlands and we have also included some of the feedback on these meetings in our conclusions.

## The Core Team



**Dr John Ault FRSA FRGS (United Kingdom)** was the Head of Mission for the Netherlands Provincial and Water Board elections and is the Executive Director of Democracy Volunteers.

John has worked in elections throughout the UK and the United States since the 1980s. He has observed on behalf of the OSCE/ODIHR in parliamentary elections as far afield as Kazakhstan and is a former chair of the UK's Electoral Reform Society. He has also been elected to local government in the UK as well as being appointed to the South West Regional Assembly.

He has observed numerous elections for Democracy Volunteers including the Norwegian parliamentary elections, the UK general election in 2017, the Finnish presidential and Dutch elections in 2017 and 2018. He has also been a consultant on the subject of electoral and parliamentary reform in Moldova.

He is an Honorary Research Fellow at the University of Exeter and has previously lectured at Canterbury Christ Church University and the University of Manchester. He specialises in elections and campaigns and has published a number of books on the subject, including his doctoral thesis on electoral campaigning.



**Joshua Wakeford (United Kingdom)** was the Media Officer of the Dutch Provincial elections and is the Press Officer for Democracy Volunteers and an experienced observer with the organisation.

Joshua has just completed his final year at the University of Manchester. Joshua's role as Press Officer includes handling our communications with the media, sharing the findings of our deployments with the public and raising, where appropriate, the profiles of missions.

His previous deployments include the 2017 UK General Election, several local elections in the UK, and international deployments in Norway, Finland, Sweden and the Republic of Ireland.



**Thomas Fidler (United Kingdom)** is a PhD History student with the University of Exeter and a borough Councillor in South East England. An observer with Democracy Volunteers since its inception, he served as a media and administrative assistant for the organisation, as well as co-ordinator for foreign organisations that have observed elections in the UK.

Having observed several cycles of elections in the United Kingdom and led several teams on the ground, he has also been involved in the organisation of observation missions in France, Sweden, the Republic of Ireland and the Isle of Man. He has a particular interest in identity politics in the Celtic world with current projects exploring Cornwall and the Isle of Man.



**Harry Busz (United Kingdom)** is a recent graduate, having gained a BSc in Human Geography at Cardiff University and an MA in International Relations from Exeter University. He has participated in multiple domestic and international observations such as the 2019 UK local elections in Northern Ireland, the provincial and Water Board elections in The Netherlands and the recent UK parliamentary by-election in Newport, Wales.

During his time at university, he wrote his undergraduate dissertation on voter behaviour in the 2016 EU referendum in the South Wales Valleys after choosing to study both political and electoral geographies. His master's degree focussed on the ideologies and key political elites behind the referendum result in the context of political cleavages in UK politics. Now working in economic development and regeneration in local government, Harry has also written briefing papers for Democracy Volunteers whilst acting as the editor of the organisation's sister website, The Election Observer.

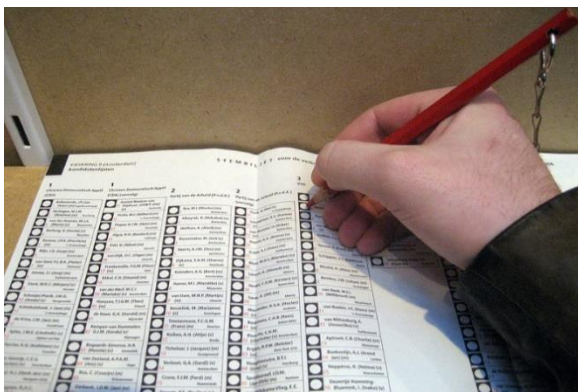
## **FUNDING**

All of the 6 observers deployed to The Netherlands for the observation of the 20<sup>th</sup> March parliamentary elections did so at their own cost, or they were supported from general funds of the organisation. This was arranged by Democracy Volunteers, and this covered their travel to The Netherlands, accommodation and internal transport. No finance was sought, or received, from any party, whether internal or external to The Netherlands, for the observation, writing of the Preliminary Statement or this Final Report. Our observations are wholly independent of any institution.

## The Electoral System

Elections in the Netherlands take place for five levels of government: The European Union, the state, the twelve provinces, the twenty-one water boards, and the 355 municipalities, as well as the three public bodies in the Caribbean Netherlands. Since universal suffrage was introduced within the Netherlands, elections have taken place on the basis of an open party list system of proportional representation (PR)<sup>1</sup>, with preferential voting. This open ballot structure means voters can select the list candidate they prefer and do not have to vote for the first candidate on a party's list. Instead they can select a candidate lower down the list. Moreover, voters can also cast a blank vote which is included in the turnout despite no preference for party or candidate having been expressed. With the single exception of the Senate, which is made up of 75 members elected by the States-Provincial based on the population size of each province, following the provincial elections, all elections within the Netherlands are directly elected.<sup>2</sup>

Every Dutch citizen aged 18 or over has the right to vote<sup>3</sup> in elections for the European Parliament, the House of Representatives, and the provincial and municipal elections. All voters casting a vote must show identification, which must not have been expired by more than 5 years on election day. Non-Dutch and non-EU citizens are entitled to vote in municipal elections provided they have legally resided in the Netherlands for at least five years. Whilst EU citizens living in the Netherlands are, however, entitled to vote in municipal elections and European Parliament elections straight away.<sup>4</sup> Everyone entitled to vote receives a polling card, which is taken with the voter to the polling station on the day. There are two different systems; the call-to-vote card (*oproepkaart*) or a voting pass (*stempas*). These two cards are now



synonymous – all voters can vote at any polling station within their municipality, though there are some exceptions during water board elections. Although voting machines had been used for some years, a concern over their security has caused a return to the ballot paper and the red pencil, with electronic voting banned in 2007 and electronic vote counting

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<sup>1</sup> Netherlands Institute for Multiparty Democracy & Instituut voor Publiek en Politiek (2008), 'The Dutch Political System in a Nutshell', p. 22 (online)

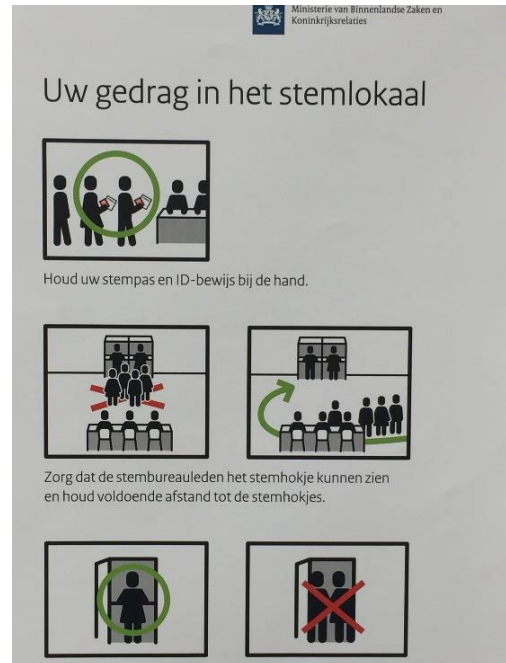
<sup>2</sup> <https://english.kiesraad.nl/elections/elections-of-the-senate>

<sup>3</sup> Voting is not compulsory

<sup>4</sup> Netherlands Institute for Multiparty Democracy & Instituut voor Publiek en Politiek (2008), 'The Dutch Political System in a Nutshell', p. 24 (online)

stopped for the 2017 general election. To vote, voters manually mark the box of the candidate they wish to vote for on the ballot paper with a red pencil.

For all elections, polling is organised on the basis of municipalities, with each municipal executive responsible for the organisation of the elections<sup>5</sup>. In each municipality there are multiple voting stations, all of which open at 7:30am and close at 9:00pm, usually in the form of communal buildings such as churches and schools. There is a three-person committee at the polling station, whose duties include collecting polling cards and handing out ballot papers.



There is official recognition that Family Voting is an issue and attempts are made to limit it.

Previously by law, no fewer than 25% of the total number of polling stations must have been in buildings accessible to voters with a physical impairment and be in an easy location for such voters<sup>6</sup>. This was now increased to an aspirational, if not enacted expectation, that 100% of all polling stations should be accessible to those with physical disabilities. Moreover, these voters have the right to additional assistance to vote from a person of their choosing, although the OSCE notes that the ‘interpretation of this provision varied in some jurisdictions with assistance only possible from an election official’<sup>7</sup>. Additionally, although there is no prevention in law on the right to vote for those with mental disabilities, unlike voters with physical disabilities they are not allowed assistance in the voting booth.

### **Provincial Elections**

For the upcoming provincial elections, the aforementioned is similarly the case. Voters are entitled to vote in provincial elections providing they are a resident of the province concerned on nomination day, possess Dutch nationality, and are 18 years or over on election day.

Voters elect the members of the States-Provincial in the twelve provinces of the Netherlands in elections which take place every four years. Unlike a general election, a snap election for

<sup>5</sup> Kiesraad, ‘Elections of the provincial council’ (online), Available at: <https://english.kiesraad.nl/elections/elections-of-the-provincial-council>

<sup>6</sup> Ibid.

<sup>7</sup> Office for Democratic Institutions and Human Rights (2017), ‘The Netherlands Parliamentary Elections 15 March 2017, OSCE/ODIHR Election Assessment Mission Final Report’, p. 2

provincial elections is not possible; instead after an early resignation of a Provincial-Executive, a new one has to be formed on the basis of the existing party-political make-up of the States-Provincial<sup>8</sup>.

The results of the provincial elections are calculated for each province. A quota, the number of votes that entitles a party to one seat, is established once the number of valid votes is known. It is worked out by the number of valid votes divided by the number of seats in a province; therefore, the higher the turnout the higher the quota, increasing proportionally. In provincial elections, any leftover votes for each party are distributed using the ‘highest average method’ or D’Hondt method in order to allocate the remaining seats. This method uses the highest average number of votes per seat, calculated by the number of votes divided by the number of seats<sup>9</sup>, with the first available seat going to the party with the highest average number of votes per seat and so on until all the remaining seats have been awarded. It is worth noting that due to the D’Hondt method parties previously were able to link their lists together so that their leftover votes are included together, thus increasing their chances of acquiring an available seat. This was usually between two smaller parties and a result of close political views. However, this has recently been abolished.

The results are announced by ANP Netherland National News Agency on the evening of election day itself.

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<sup>8</sup> *Netherlands Institute for Multiparty Democracy & Instituut voor Publiek en Politiek* (2008), ‘The Dutch Political System in a Nutshell’, p. 22 (online)

<sup>9</sup> Number of seats as derived from the quota.

## Water Board Elections

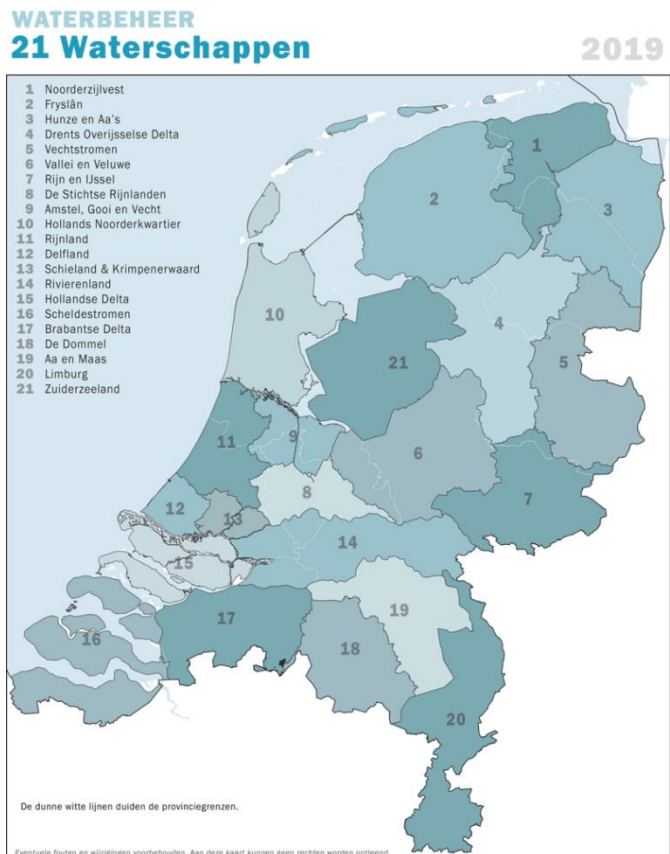
The Dutch water boards (*waterschappen* or *hoogheemraadschappen*) are regional governmental bodies tasked with managing water barriers, waterways, water levels, water quality, and sewage treatment in their respective regions<sup>10</sup>. There are presently 21 water boards in the Netherlands, many of which cover several municipalities and can even cover areas in two or more provinces.

Water boards within the Netherlands are given importance due to the significance of flooding, in particular, in the country. Flood control is a national priority due to the fact that approximately 26% of the

Netherlands is at or below sea level, there is historical precedence for coastal and river flooding, and there remains about two-thirds of the country vulnerable to flooding in an increasingly densely populated Netherlands. Water boards regulate how much and in which areas public money is spent on, for instance, maintaining water quality through wastewater treatment and maintaining the area's flood defences.

Dutch water boards hold elections, levy taxes, and act independently of other government bodies. Each have an elected general administrative body (*hoofdingelanden*), an executive board<sup>11</sup> (*hoogheemraden*) elected from the *hoofdingelanden*, and a chair (*dijkgraaf*) appointed by the government for a period of six years.

The 2019 Dutch water board elections will take place on the same day as the provincial elections, the 20<sup>th</sup> of March. Similarly, to other elections in the Netherlands, the water board elections have an open party list system using proportional representation. Residents aged 18 and over can vote, and elections take place every four years. Since 2015, residents now vote in person rather than by post over a period of two weeks, as had occurred prior the 2015 water



<sup>10</sup> Dutch water boards are not responsible for the water supply to the general public and are therefore not considered a utility.

<sup>11</sup> The *hoogheemraden* traditionally represent five types of water users: the local population (residents), industry (factories and industrial buildings), municipalities (urban areas), farmers (agricultural land), and public parks.



board elections. Unlike other elections, however, only the board members of the ‘inhabitants’ category are directly elected, with board members representing the other three categories (agriculture, nature, and commercial) appointed by representing organisations, such as the Chambers of Commerce, which would represent the commercial category.

### **Changes to counting**

The counting of the votes in the Netherlands is done immediately after the polling stations close at 9pm, and is normally completed locally by the municipality.

The 2019 provincial and municipal elections trialed Central Counting for the counting of votes at municipal level at one or more locations in 76 municipalities. After the polling stations closed, the number of votes were counted only per party to determine a preliminary result for each party and, compared to the normal procedure, all the ballots were sealed and then transported to a central location the day after (Thursday 21<sup>st</sup> of March) where a new team counted the number of votes per candidate. The introduction of this trial has been argued for in order to create a more transparent, controllable, and trustworthy counting process. The need for a change is reasoned to be due to: a belief that counting should be done by a separate team and not the same polling station staff who have worked from 7:30am to 9pm; that Central Counting could be conducted in buildings with the necessary facilities, and that it lessens the likelihood of a recount. It has been contended that earlier trials of Central Counting in the Netherlands since 2014 have shown that it gives a more transparent and trustworthy result but comes at the cost of increased organisation and expense.

The Minister of the Interior believes the aforementioned benefits outweigh the extra organisation and cost. Following on from the 2019 trial in vote counting, it is planned that an amendment<sup>12</sup> in the Elections Act to incorporate Central Counting will come into force before the 2021 parliamentary elections<sup>13 14</sup>.

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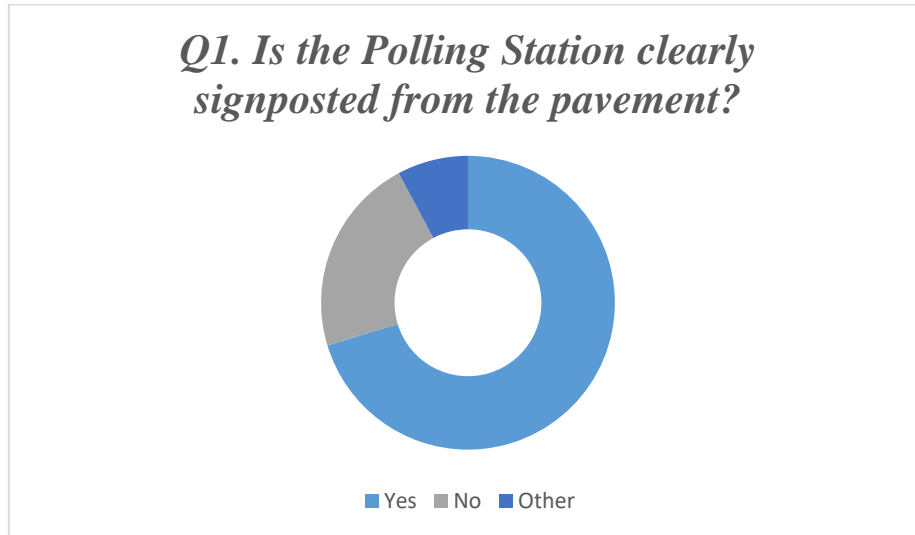
<sup>12</sup> Amendment currently being written

<sup>13</sup> Factsheet on the Central Counting of votes provided by the Ministry of the Interior and Kingdom Relations

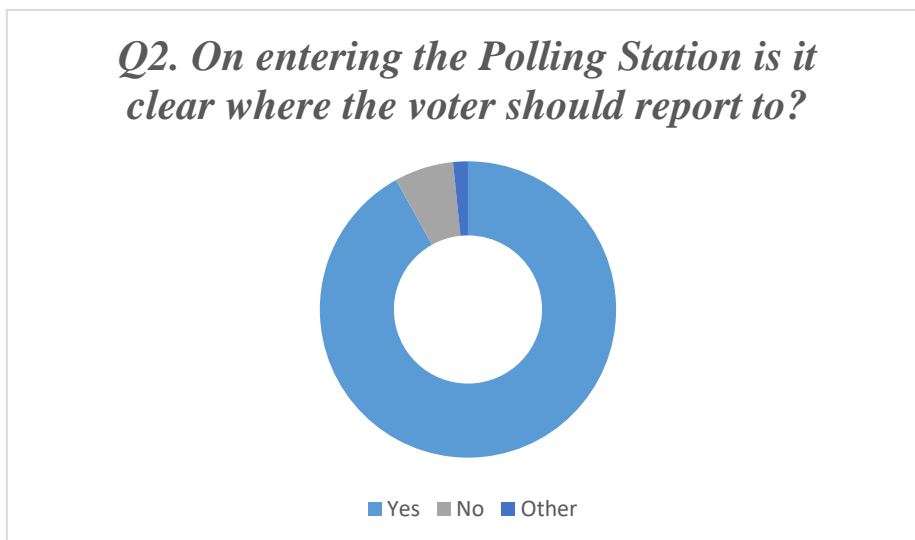
<sup>14</sup> Temporary Experimentation with Ballots and Centralised Vote Counting Act provided by the Ministry of the Interior and Kingdom Relations

## Results of the Observation

The observers answered the following questions in order as they progressed with each observation at each polling station:

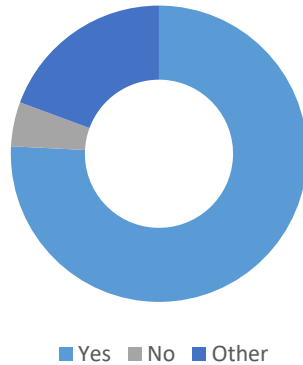


**QUESTION 1:** In only 76% of cases were polling stations properly signposted from the street. Generally, signage was good but many polling stations often had small signs which were not obvious.



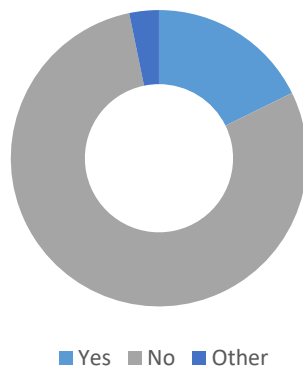
**QUESTION 2:** In 92% of cases, observers did not identify problems with where voters should report. In some buildings multiple polling stations were distributed around several parts of buildings making it potentially challenging to find the relevant area.

***Q3. Was it clear how disabled voters would access the Polling Station?***



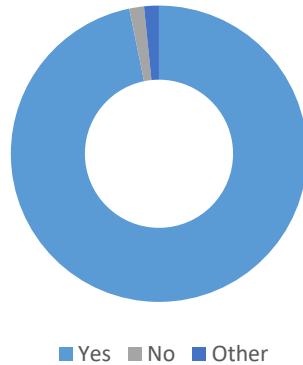
**QUESTION 3:** 76% of observations indicated that access to the polling station was clear. Another 5% suggested that the disabled access was available however this was not clearly signposted. 19% identified other issues which included the clarity of signposting, the positioning of polling booths, and accessibility within the buildings themselves.

***Q4. Did the polling staff ask to see your ID on arrival?***



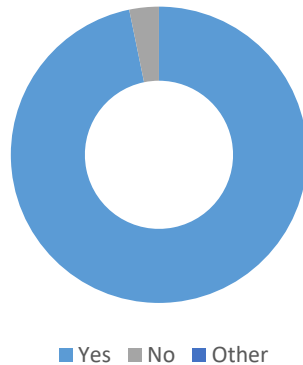
**QUESTION 4:** 18% of presiding officers did check the ID of observers on arrival. 79% did not. Staff were invariably welcoming to the observers. 10% of the time observers had their details recorded concerning their attendance whereas in 90% of cases no evidence of the observation mission's presence remained.

***Q5. Are there three staff on duty in the polling station as you arrive?***



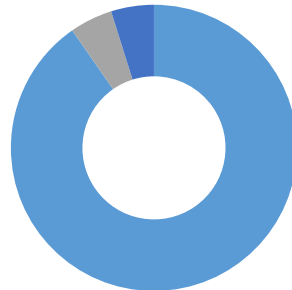
**QUESTION 5:** 95% of polling stations had the required three members of polling staff on duty when observers arrived at the polling station.

***Q6. Is the Ballot Box clearly sealed with cable ties/locks seals etc.?***



**QUESTION 6:** In 97% of occasions the ballot boxes were correctly sealed. On one occasion both ballot boxes, both for the Provincial elections and for the water board elections were unsealed. On another a padlock was available but simply rested on the top of the box.

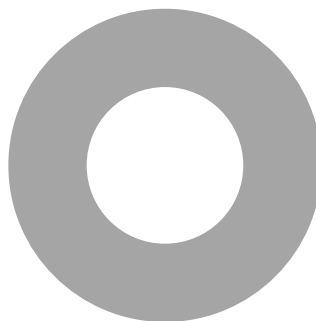
***Q7. Each Polling Booth should be equipped with a small poster explaining how to vote, how to fold the ballot and a red pencil.***



■ Yes ■ No ■ Other

**QUESTION 7:** Generally, this rule was well observed but on some occasions some parts of the polling booth equipment was missing.

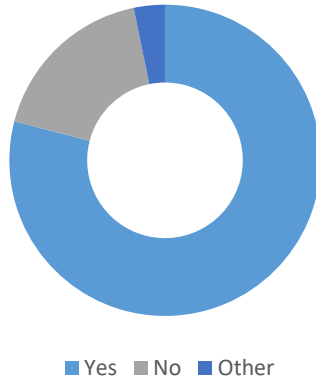
***Q8. Are there any political leaflets in sight or on the way to the polling booth. This can include lists of councillors etc.***



■ Yes ■ No ■ Other

**QUESTION 8:** We saw no evidence of political activity in polling stations. We also noted, in the case of The Hague, that the polling station in the council building had been moved compared to 2018. This meant that any lists of councillors were no longer in sight in the polling area.

*Q9. Each polling booth should be equipped with a small poster about the secrecy of the ballot.*

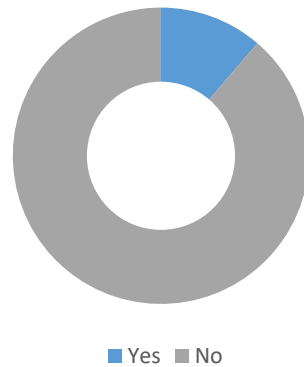


**QUESTION 9:** Democracy Volunteers consistently sees evidence of ‘family voting’ in western democracies and we feel The Netherlands tries, by use of the below poster, to discourage and help the public, and staff, identify it.

We generally saw these posters on display across the areas of observation but more work could be done to ensure they are in place.



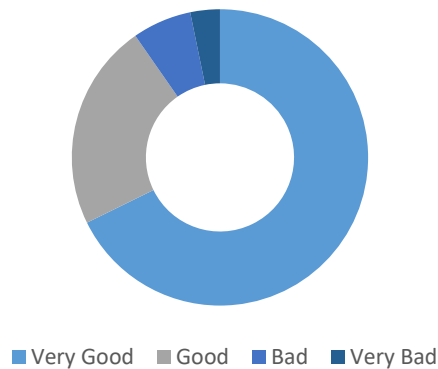
***Q10. Was there evidence of 'family voting' in the polling station?***



**QUESTION 10:** In 11% of polling stations, our observer team identified so-called ‘family voting’. The observer group observed some 1956 voters enter polling stations during their observations. This meant that only 0.4% of voters were affected, or involved, in family voting. This is significantly lower than we see in other Western European countries such as the UK.

There is insufficient evidence to suggest that this was associated with any particular ethnic group.

***Q11. Overall how do you rate the quality of this polling station***



**QUESTION 10:** Observers were asked for an overall rating of the polling station they had attended. 68% of polling stations were reported to be ‘Very Good’, 23% ‘Good’, 6% ‘Bad’, and 3% ‘Very Bad’.

## CONCLUSIONS

There are six areas that the observer team felt that the Dutch authorities should consider further action following the observation on 20<sup>th</sup> March. They were:

- Accessibility to Polling in the Netherlands
- Proxy Voting
- The Ballot Paper
- Central Counting
- Dual Elections
- Queuing

### Accessibility to Polling in the Netherlands

Previously, the requirement in the Netherlands was that 25% of all polling stations should be accessible to voters with disabilities. However, this commitment has now been replaced to require all polling stations to be accessible. It is clear that, in practice, this is not the case. Of 62 polling stations observed in the Netherlands, our observers found 15 (24%) to be inappropriate for use by disabled voters. Accessibility issues at these polling stations included: staircases or steps; narrow entranceways; heavy doors; tall booths, and tight spaces within the polling station.



*Figure 1, in a Rotterdam polling station, shows two polling clerks wearing green tabards in order to identify themselves to voters.*

The necessity for all polling stations to be accessible is somewhat alleviated by the ability for voters in the Netherlands to cast their ballot at a large number of polling stations. Further, all polling stations in the Netherlands are mapped online, with indications for voters based on how accessible they are. In providing this information, consideration should be given to how accessible they are for voting. Many buildings were in theory accessible, but rooms were too small to be used as polling stations which are practical for disabled voters.

In addition, the large size of the ballot papers was also something of a barrier to accessibility. Our observers found the process of voting – from a voter receiving their ballot paper to placing it in the ballot box – took a considerable length of time in comparison to other systems. The ballot paper appeared difficult for voters to unfold and refold, even for those without a disability.

Voters with physical disabilities are able to receive assistance from polling station staff only. Those with mental disabilities may also seek assistance from polling station staff, although,



unlike for those with physical disabilities, it is not permissible for polling station staff to enter booths with voters with non-physical disabilities.

Our observers witnessed several cases of voters being assisted in the process of voting. Our observers found the green tabards (pictured above) to be an extremely useful way for polling station staff to make themselves clearly identifiable to voters. This may be an effective way to discourage family voting, as other voters can clearly see that anyone being assisted in voting is being done so in an official capacity, and thus assistance does not lead to the impression that voting together is permissible.

## **Proxy Voting**

Proxy voting is defined by the OSCE Election Observation Handbook (2010) as:

*‘Where a person receives a ballot on behalf of another person and votes on their behalf, usually with their prior knowledge. In some jurisdictions, proxy voting is permitted, providing that the proper documents have been completed<sup>15</sup>.’*

Although legal in many countries, proxy voting is highly vulnerable to electoral fraud. This is due to the high levels of trust one must place in one’s proxy, with no assurance that the proxy will act faithfully on their wishes when casting their ballot paper. Furthermore, the practice leaves an election open to issues surrounding the potential buying of votes by fraudulent actors and vote gathering, although there is no suggestion of this through our observations. Finally, the use of proxy votes necessarily ends a citizen’s ability to cast a secret ballot, which is crucial to abiding by Article 25 of the International Covenant on Civil and Political Rights which seeks to protect the ‘free expression of the will of the electors<sup>16</sup>.’ As such, proxy voting can be seen to undermine the secrecy and equality of any vote.

In the Dutch context, voters are eligible to appoint a proxy to vote on their behalf by signing the reverse of their voting pass (stempass) and simply handing this to their proxy. Through this process the voter’s pass ‘has thus been converted into a certificate of authorisation<sup>17</sup>.’ In addition to this, the proxy must supply an identity document belonging to the voter, although no prior application, or justification, is required to cast a ballot in this way. Each proxy is allocated two authorisations in any given election, contributing to the liberal nature of this process<sup>18</sup>. Throughout the population, eighty-four per cent of voters believe proxy voting should be allowed, with only nine per cent being against it<sup>19</sup>.

The frequency of proxy voting in The Netherlands has been historically high with fluctuations in the prevalence between elections and between different economic, social and religious groups<sup>20</sup>. As noted by the OSCE, after attending the 2017 parliamentary elections, the way this

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<sup>15</sup> OSCE/ODIHR (2010) Election Handbook. 6th edn. Available online at: <https://www.osce.org/odihr/elections>

<sup>16</sup> ICCPR (1966) International Covenant on Civil and Political Rights. Available online at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>17</sup> (Ministry of the Interior and Kingdom Relations, Section L14 p.57, 2019)

<sup>18</sup> Jacobs, B. & Pieters, W. (2009) Electronic Voting in the Netherlands: from early Adoption to early Abolishment. Foundations of Security Analysis and Design V.

<sup>19</sup> Schmeets, H. (2011) Many Dutch vote by proxy. Available online at: <https://www.cbs.nl/en-gb/news/2011/09/many-dutch-vote-by-proxy>

<sup>20</sup> van der Kolk, H. (2014) Over het aantal volmachtstemmen.

allows voters to participate in elections is ‘at odds with the OSCE commitments and other international standards<sup>21</sup>.’

Although it was generally agreed during multiple meetings held between Democracy Volunteers and Dutch interlocutors that the practice holds general support from Dutch citizens, its widespread use is worrying. It was believed that around thirty per cent of votes cast by proxy were done so under the conditions where the voter had not specified which political party or candidate, he/she wished to vote for. Discussions were also held concerning the benefits of the practice regarding increasing voter turnout, especially whereby particular sections of the population would otherwise be unable to participate due to employment, for example in fishing communities. Yet it was noted that the prevalence of the practice was high and that there were likely to be some citizens misusing the system.

Throughout polling day Democracy Volunteers observers identified numerous cases of formal proxy voting where voters attended with the relevant documentation to cast up to two proxy votes on behalf of others.

### **The Ballot Paper**

The size of the ballot papers in The Netherlands continues to be of concern for the observer group, especially in the context of an election where two ballots are issued to each voter for the two elections being conducted. As we identified in 2018, ‘Ballot Papers in The Netherlands are the largest our observers have seen in Europe despite the electoral system being very similar to others used in other parts of Europe.’<sup>22</sup> We believe the size of the ballot, in this case, creates several challenges associated with its size. They are:

- Queueing can form in some polling stations due to lengthy periods in the booths
- The secrecy of the ballot is challenged because voters can be seen choosing sections of the ballot
- Ballot boxes are very large and heavy
- Environmental concerns about the scale of the ballot paper
- Counting is much lengthier and ballots are cumbersome when bundled.

As we have previously reported, when observing the municipal elections in 2018, ‘Norway uses a very similar open list voting system for its parliamentary elections, as can be seen in our report from September 2017. Norway uses a system by which the elector chooses the party ballot of their choice, in secret, and then casts a vote on that one ballot for the candidate of their choice. This is conducted behind a curtain to ensure secrecy. If authorities, parties and the public are exercised, as they seem to be, concerning the size of the ballot, this could be one solution, worthy of further research’<sup>23</sup>.

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<sup>21</sup> OSCE/ODIHR (2017) The Netherlands: Parliamentary Elections 15 March 2017. OSCE/ODIHR Election Assessment Mission Final Report. Available online at: <https://www.osce.org/odihr/elections/netherlands>

<sup>22</sup> <https://democracyvolunteersdotorg.files.wordpress.com/2018/04/netherlands-mear-2018-final-report.pdf>

<sup>23</sup> Ibid.

We understand from meetings with the Ministry of the Interior that tests were conducted during the municipal merger elections in November 2018, and a letter will be sent to the lower house of parliament suggesting methods of improving the ballot paper in the future.

However, we also feel that, as well as the possibility of evaluating the efficacy of the Norwegian method of voting, the Dutch authorities should also consider assessment of the Finnish voting methodology. Democracy Volunteers observed both the Finnish presidential elections in January 2018 and parliamentary elections in April 2019. Finland uses the same system of open list voting as The Netherlands.

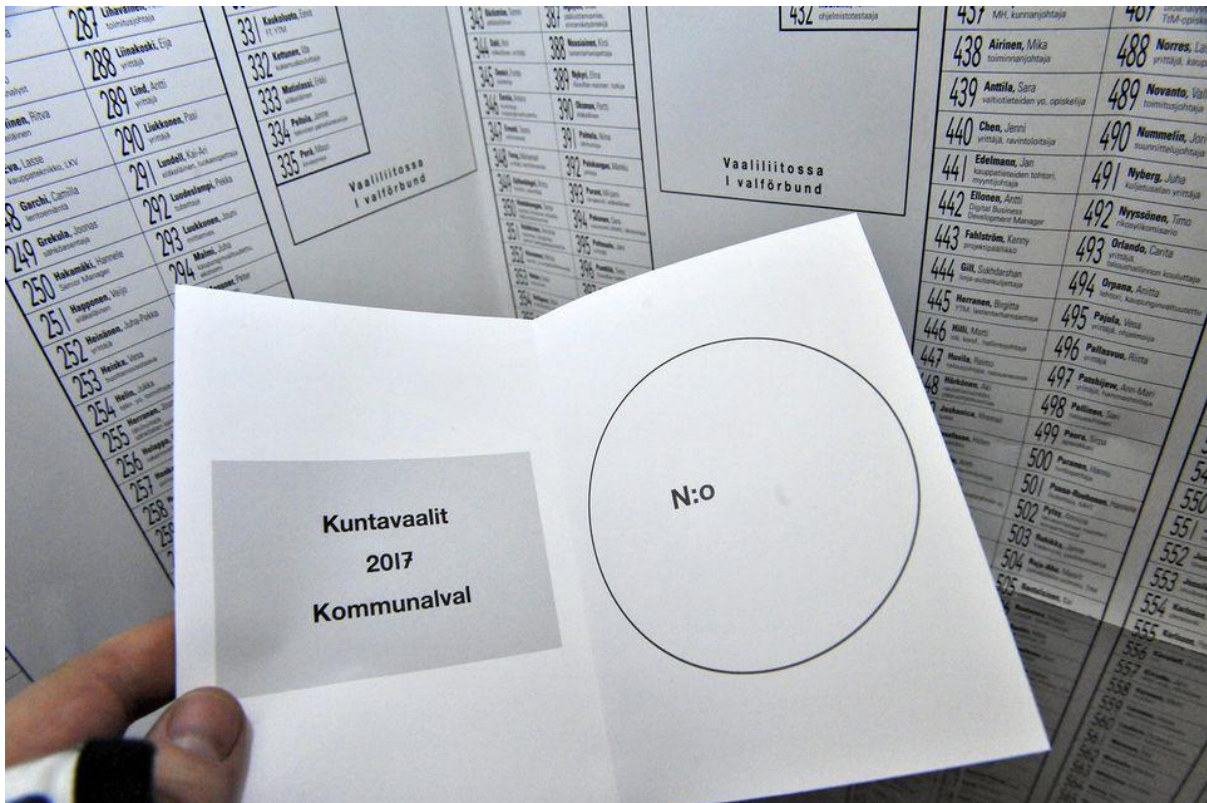


Figure 2 The ballot paper in Finland allows the voter to simply write the number of their choice, and the polling booth is equipped with a large list of candidates

However, instead of a large ballot paper, as in The Netherlands, a large list of numbered candidates is displayed in each polling booth. Once the voter has chosen their preference they simply mark the number of their preferred candidate on the ballot paper, in the central circle. This means that ballot papers are much more manageable, queuing is almost never seen, the process of counting is considerably quicker, and the extra costs of large ballot boxes and the increased costs of printing can be reduced. Indeed, in Finland all ballot papers are the same across the country as the voter is only expected to write down the number of their preferred candidate.

### Centralised Counting

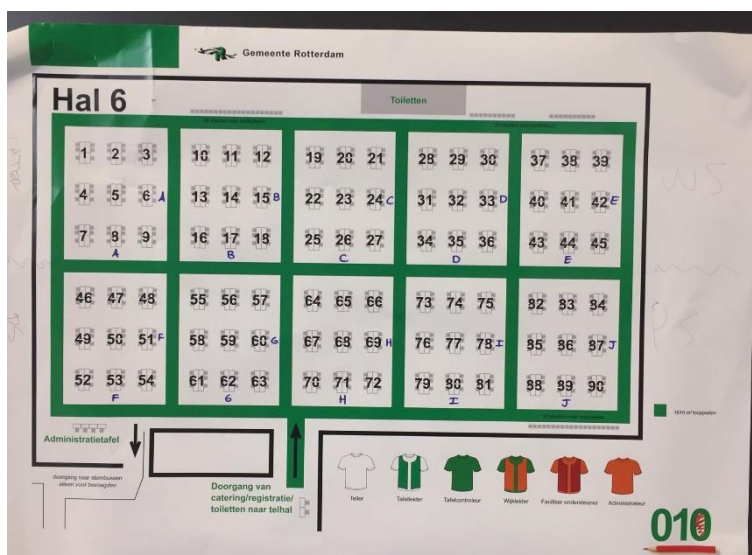
As part of our deployment, Democracy Volunteers were keen to observe the piloting of centralised counting the day after polling. Transferring ballot boxes from each polling station to a central counting location is a familiar practice elsewhere, and is the accepted process in

the United Kingdom. The current system in use in The Netherlands requires polling station staff to count ballots in each polling station at the close of poll.

Concerns have been raised that this system is not sufficiently transparent, with little attendance from parties, or the public, to observe the counting process. Further concerns were raised in our meetings with interlocutors regarding the accuracy of counting from tired polling staff, who were required to count votes following a long period of administering the voting process during polling day. The intended consequence of counting the day after polling day in a centralised location was to have:

- A more transparent counting process
- A more controllable counting process
- A more trustworthy result<sup>24</sup>

However, from our observations, Democracy Volunteers felt the potentially beneficial objectives were undermined somewhat by the conducting of a preliminary count in polling stations at the close of poll (which were then made public), giving a close indication of the result. In relation to transparency, this meant the initial handling and counting of ballots continued to take place in the relative secrecy of the polling station, in the presence of just a small number of polling staff with very few, if any, outside observers. In addition, the final counting of votes in the centralised location was also poorly attended by the public, observers or parties as it would take a considerable number of trained observers to provide effective oversight of hundreds of counters conducting their work. This lack of attendance is potentially as a result of the announcement of a preliminary result on the previous evening, reducing interest in the final count. This is also important for public confidence in the process. If an occasion arises whereby the final count of votes is somewhat different to the preliminary results published previously, this is likely to lead to the questioning of the legitimacy of the process.



The central counts did seem to identify notable discrepancies in the counting from the previous evening so this would suggest that the counting was improved when conducted the next day. We felt the layout of the counting also allowed administrators easy access to all the counters working at small tables but did not lend itself to transparent assessment.

Figure 3 Count centres took a standard form with small groups of counters sat around numerous tables. This was difficult to evaluate for independent observers or any public attending.

<sup>24</sup> Ministry of the Interior and Kingdom Affairs Briefing



*Figure 4 Ballot boxes in Rotterdam arrived overnight and were stored in a large holding area. They were brought into the counting hall, opened and counted.*

In Rotterdam, concerning logistics, a large number of counters recruited for the process in the centralised counting location did not arrive as expected on the day. In order to increase the number of counters, those who did arrive were encouraged to ask people they knew whether they were available to help in counting. It was unclear what precipitated this necessity for extra, untrained, staff. This decision to bring in new staff was concerning given the absence of training and political vetting for these staff.

The counting of ballots at Zoetemeer was generally well organised and well conducted. On arrival staff recorded the team's names and explained the process to them, giving them a tour of the counting centre, this was also done in The Hague. Staff explained that all ballot boxes had arrived overnight and had been stored securely but that in some municipalities the incorrect ballot papers for the water board elections had been used, particularly in those that are situated on the borders of multiple water board areas, which was causing some difficulties. The use of different coloured vests to denote the different roles of staff was effective and along with the system of red and green flags allowed for ballots to be moved around and counted efficiently. However, limited space meant that there was insufficient room to easily move between tables and that ballots were often counted on the floor. Counting staff communicated to us that they thought that the size of the ballots contributed to this problem as there was often not enough space on the tables. Each table counted one party at a time from their ballot box apart from when counting smaller parties. When questions were raised regarding the validity of ballots, senior staff were quick to respond and well prepared with the appropriate information.

At two count venues, whilst being made extremely welcome by staff, observers were escorted throughout their observations which, we would argue, limits their capacity to act independently and make their own observations undisturbed.

Finally, and perhaps the most concerning aspect of the central counting process, was the absence of transparency concerning the tabulation process which happened once the votes had been counted manually. Although there was no evidence of foul play, one of the significant benefits of unimpeded observation is the independent evidence that the process is transparent.

In the case of Den Haag the process of tabulation was conducted behind closed doors with a security guard preventing access to the room where it took place. We would therefore question how this afforded greater transparency than counting in polling stations where this information can be seen and then transmitted.

## **Dual Elections**

As with 2018, two separate elections were being conducted on the same day. As part of our interlocutor discussions we discovered that this was welcomed by the water boards as there was a belief that the Provincial elections being held on the same day would increase turnout.

This may well be the case but observers noted on numerous occasions some confusion in polling stations concerning which ballot box to place the ballot paper in. Oddly, the colour coordination of box and ballot, which would have been a logical way of ensuring ballots were placed in the correct box, meant that blue ballots were placed in non-blue boxes. This was commented on by a number of electors to our observer group.

Another, arguably more challenging, aspect of voting in a dual election on the same day is that the boundaries for the water boards were not always contiguous with those for Provincial voting. This meant, bearing in mind voters are generally encouraged, and aware, that they can vote at any polling station in their municipality, that on numerous occasions voters were issued with a provincial ballot but not a water board ballot because they were not in the correct polling station for both. This caused confusion at times and staff were effectively powerless to assist voters other than to issue them with the provincial ballot and ask them to go to another polling station for the water board election.

## **Queueing**

Observers noted the popularity of central polling stations and the convenience that is offered by polling in railway stations and other central areas. Indeed, the observer group believes this contributes to increased turnout. However, at busy times it also leads to challenging waiting times for voters – we observed waiting in excess of 30 minutes at times at some polling stations. We note this but feel that this is partly caused by the size of the ballot paper as much as any other aspect of the voting process.



*Figure 5 The polling station at Bibliotheek (#20 and #123), in Rotterdam, was especially busy in the early evening when we attended. Hundreds of voters were waiting in line to vote and with limited polling booths this made the process extremely slow for voters.*

## RECOMMENDATIONS

### Accessibility to Polling in the Netherlands

100% accessibility at polling stations is a stated objective of the Dutch Government and electoral administrators. This is a positive and appropriate decision, but one which is difficult to deliver, in reality. Many public buildings can be retro-fitted with ramps and equipment to facilitate access but this is not always the case. In some cases, polling booths which were designed for access were located in such a way that they were not accessible. Some polling stations were in extremely large buildings with long walks from the front door to the polling booths. These would limit access to those who have mobility issues if not a disability. However, we would recommend the following:

**R1** More consideration should be given to accessibility issues when choosing the location of polling stations and/or the rooms within polling stations where voting occurs<sup>25</sup>.

**R2** All polling stations should be fitted with at least one polling booth which is lower for wheel chair access.

**R3** At least one polling booth should be fitted with a light.

**R4** Ensure that all polling booths are positioned in such a way that access is obvious and wide to allow ingress by the voter.

**R5** If the ballot continues to be so large we would recommend that magnifying glasses are available as the print can be quite small.

**R6** The online map of polling stations should be kept up-to-date with detailed information regarding the practicalities of voting in each station. By being specific about the limitations in each station, voters will be able to make an informed choice about which polling station is their nearest and most appropriate to attend. Polling stations which are inaccessible for a voter with one disability may be entirely accessible for another.

### Proxy Voting

After several meetings with our Dutch interlocutors ahead of the election, and observing polling stations across the country, Democracy Volunteers would make the following suggestions concerning proxy voting:

**R7** Increase the mobility of ballot boxes – In order to reduce the impact of proxy voting, an increased number and mobility of ballot boxes is recommended. This would aid in easing the voting process for citizens who could normally not reach a polling station due to work commitments or have a lack of mobility. This is especially recommended for prisoners as proxy voting is their only option at the present time.

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<sup>25</sup> Some councils give information about accessibility online. However, this assumes that some of those accessing polling stations have full access to the internet to research this.



**R8** Reduce the number of permissible authorisations – so that each proxy presently being allowed two certificates of authorisation, should be reduced to just one. This could help to discourage the practice and reduce overall cases.

**R9** Pre-election voting methods – By allowing citizens to vote prior to the election, for example through the implementation of early voting at set locations, proxy voting could be reduced.

**R10** Advanced checks – By ensuring advanced notice and the provision of a citizen’s justification to vote via proxy, the practice could be reduced.

## **The Ballot Paper**

Whilst the size of the ballot paper has become normalised and accepted by voters in The Netherlands, we continue to be aware that electoral administrators have indicated their ongoing concerns about this aspect of the electoral process. In 2018, we recommended ‘that Norway uses a very similar open list voting system for its parliamentary elections, as can be seen in our report from September 2017. Norway uses a system by which the elector chooses the party ballot of their choice, in secret, and then casts a vote on that one ballot for the candidate of their choice. This is conducted behind a curtain to ensure secrecy. If authorities, parties and the public are exercised, as they seem to be, concerning the size of the ballot, this could be one solution, worthy of further research<sup>26</sup>.’ Indeed, we are aware that in November the Dutch government acted on this advice and trialled the ‘Norwegian’ model. However, we have one further recommendation:

**R11** We suggest that an opportunity be found, ahead of the 2021 elections, to trial the Finland model of voting. We would be happy to redeploy to monitor the effectiveness of this system in the Dutch context.

We believe this trial could be potentially transformational in the way elections are administered in The Netherlands seeing how change to the electoral system, making the ballot paper universal, smaller and more accessible as well as being simpler to count and bundle. It could even dispense with the necessity of the large central counts which are presently becoming more likely.

## **Central Counting**

Central counting appeared to present significant logistical challenges to councils, primarily in the recruitment of staff and ensuring their attendance at the counting venue. We felt the various counts we attended were public and accessible. However, a number of challenges occurred to the team of observers, these especially focused around transparency. We therefore suggest the following as a way forward with central counting if this becomes the norm in Dutch elections.

**R12** Only trained staff should be allowed to count at the central counts.

Venues were often in remote areas, without easy access for local residents, who could more readily attend their local polling station.

**R13** Venues should be more central and accessible.

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<sup>26</sup> <https://democracyvolunteersdotorg.files.wordpress.com/2018/04/netherlands-mear-2018-final-report.pdf>

Observation, whether by the public or observers did not make the process transparent, as counting would take place with pre-sorted piles. This was because the preliminary count had occurred the night before, and so the central count was, in essence, a recounting of the votes from the night before.

**R14** Consider the polling day count at the polling station as simply being a verification of the vote to check the tally of those ballots issued and those deposited in the ballot boxes.

Or

**R15** Dispense with counting in polling stations and hold counting at central venues on the night of the election, or the day after, with entirely new staff or the same ones the day after. Any arising issues could be discussed with those that have conducted polling the previous day.

We were also concerned about the access to the process for observers. Whilst we were given complete access on polling day to the voting process and to ministry and municipal officials that were available, we felt that the restrictions placed on observation access should also be addressed.

**R16** Accredited observers should be given unrestricted, and unescorted, access to the counting process.

**R17** Accredited observers should be given access to the tabulation process so that the process can be analysed independently.

Whilst we understand these central counts were simply pilots we also believe the layout of the count could also have been something that could have been piloted. Looking at Figure 6, below, it could be possible to arrange the counting in such a way as to make counting more transparent.

**R18** Consider different layouts of central counting centres to allow greater transparency for observers, parties and the electorate.



*Figure 6 Counting in the Republic of Ireland allows parties, observers and the public clear ways of observing the counting process conducted by the counting staff - we believe this could lead to even greater transparency in The Netherlands*

## **Dual Elections**

Whilst we appreciate the benefits previously identified of a combined poll for the Provincial and water board elections in terms of turnout, we believe there was some, if not extensive, confusion between the two votes. In some cases, voters, because of their own status, were afforded just the vote for the water board and other occasions they were only issued with a Provincial ballot paper because they had entered a polling station which crossed boundaries between the water boards but were within one Province. We also identified issues where voters had clearly been issued with the incorrect ballot (as was the case in Zoetermeer). This both led to some annoyance at times and some inconvenience for the elector, but also potentially ballots being wasted as they were cast in the wrong area. We would recommend, when possible;

**R19** Elections for areas which are not coterminous, or do not have the same electorate, should be conducted on separate days.

## **Queuing**

Although staff are numerous and well trained in polling stations, a combination of the process for checking ID and scanning can lead to a slower throughput of voters than we see elsewhere. However, the single largest cause of the bottlenecks at polling stations is caused by a combination of the size of the ballot paper, which can lead to voters spending over 5 minutes in a polling booth. This can also be exacerbated by the lack of booths in some of the central polling stations such as those at railway stations. Most polling stations do not have a significant

problem with queueing but where we observed it there could be some sensible improvements as electoral authorities will be aware of those stations where there is a larger than average footfall of voters.

**R20** Large footfall polling stations should be equipped with more polling booths. As generally polling stations are issued with a set of three, with one having a lower table, this could simply be done.

## **OTHER COMMENTS**

We would like to thank the officials at the Ministry of the Interior and Kingdom Affairs, Rotterdam City Council and the Association of Water Boards, as well as polling staff for their helpful and prompt assistance in facilitating the election observation as the system was both clear and simple to navigate.

The briefing held at the Ministry of the Interior and Kingdom Affairs, which explained the electoral system and voting process to observers, was especially helpful and we would like to thank those staff at the Ministry who facilitated this meeting especially for their help.

We would also like to thank the UK's embassy to The Kingdom of the Netherlands for their assistance and for arranging a briefing for us.

## **APPENDIX A - INTERLOCUTORS**

### **Netherlands Institutional Interlocutors**

#### Ministry of the Interior and Kingdom Relations

Eric Stokkink (Department Head of Democracy)

Reinier Fleurke (Policy Officer)

Tycho Laan (Policy Officer)

Wouter Jongpier (Policy Officer)

#### Electoral Council

Melle Bakker (Secretary-General)

Petra Kingma (Senior Judicial Advisor)

#### Association of Water Boards (Verenigingssecretaris Unie van Waterschappen)

Esther Boer

Ilona Elfferichj

### **Municipal Institutional Interlocutors**

#### Rotterdam City Council

Astrid Dragt - van Luipen

Elin Waning-Dedert

Jeroen Postma

#### Amsterdam City Council

#### Arnhem Municipal Council

#### Delft Municipal Council

#### Den Haag Municipal Council

#### Leiden Municipal Council

#### Nijmegen Municipal Council

#### Utrecht City Council

#### Zoetermeer Municipal Council

### **Other Interlocutors**

#### UK Embassy to the Kingdom of The Netherlands

Andre Batenburg (Political Attaché)

Ellen Gale

Stefan Kirchner (Head of Policy)